



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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11-15-02  
Ret to w/d  
Aband

In re application of : Confirmation No. 4320  
Norio KIMURA et al. : Docket No. 2001\_0122A  
Serial No. 09/777,707 : Group Art Unit 3723  
Filed February 7, 2001 : Examiner Willie W. Berry, Jr.

POLISHING APPARATUS

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975

**REQUEST TO WITHDRAW IMPROPER HOLDING OF ABANDONMENT**

Assistant Commissioner for Patents,  
Washington, D.C.

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SEP 30 2002

Sir:

It is hereby petitioned that the holding of abandonment in the above-identified application be withdrawn.

The facts necessitating this request are as follows:

1. On December 7, 2001 Group Art Unit 3723 issued a Non-Final Office Action in the above application, setting a three month shortened statutory period for response;
2. Applicants received the Office Action on January 7, 2002;
3. Applicants filed a Petition to Reset the Period of Reply under MPEP § 710.06 on January 16, 2002;
4. Applicants received a Decision on Petition dated January 25, 2002 indicating that a reply to the Office Action is due on or before Sunday, April 7, 2002;
5. On Monday, April 8, 2002, i.e., within the shortened statutory period for response in accordance with 37 CFR § 1.7, Applicants filed an Amendment that was responsive to the Office Action of December 7, 2001;
6. In support of the fact of filing the April 8<sup>th</sup> Amendment, enclosed is a copy of the date-stamped postcard indicating that the Amendment was filed, and a copy of the Amendment; and

7. On August 6, 2002 Group Art 3723 issued a form PTO-1432 "Notice of Abandonment" alleging that the above-identified application is abandoned since "no reply has been received" to the Office Action of "January[sic] 7, 2002[sic]."

As is apparent from the above, the holding of abandonment of this application is incorrect. Thus, there is no abandonment in fact in this application, since a response to the December 7, 2001 Office Action was timely filed.

In view of the above, it is requested that the holding of abandonment be withdrawn.

Respectfully submitted,

Norio KIMURA et al.

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